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**OFFICE OF PETITIONS**

In re Application of  
Smith et al.  
Application No. 09/475,961  
Filed: December 30, 1999  
Attorney Docket No. 9D-EC-19335

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**ON PETITION**

This is a decision on the petition on September 29, 2005, requesting that the above-identified application be accorded a filing date of December 30, 1999, instead of the present filing date of September 16, 2002.

On February 10, 2000, the Office mailed a Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted, stating that the above-identified application had been accorded a filing date of December 30, 1999. On March 29, 2002, petitioner filed a petition under 37 CFR 1.137(b), which was granted by the decision of September 16, 2002. The record reveals that the USPTO erroneously changed the application filing date to September 16, 2002, the date of the decision granting the petition. The Office sincerely apologizes for the error.

Accordingly, the petition is granted. The \$400.00 petition fee is unnecessary and will be refunded to petitioner's Deposit Account.

**The application is being forwarded to the Office of Initial Patent Examination for correction of the filing date to December 30, 1999, and the mailing of a corrected filing receipt.**

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211.

*Christina T. Donnell*

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